

REMARKS

A continuing application (U. S. Patent Application No. 12/139,292) was filed June 13, 2008. Continuing application (U. S. Patent Application No. 12/139,292) is a continuing application of the present U. S. Patent Application No. 09/387,597.

With the present application being set for issuance and continuing application (U. S. Patent Application No. 12/139,292) awaiting an initial examination, it is believed that continuing application (U. S. Patent Application No. 12/139,292) could not qualify as a reference against the present application. Nevertheless, if the issuance of the present application were to become delayed such that the present application issues after continuing application (U. S. Patent Application No. 12/139,292), then continuing application (U. S. Patent Application No. 12/139,292) could qualify as a reference for assertion in an obviousness type double patenting rejection.

Applicants respectfully request the Patent Office to advise the applicants if the issuance of the present application is expected to become delayed such that it could issue after the issuance of continuing application ((U. S. Patent Application No. 12/139,292).

If the Examiner believes that contact with applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call applicants' representative at the phone number listed below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-3577.

Dated: June 16, 2008

Respectfully submitted,

Electronic signature: /George S. Blasiak/
George S. Blasiak
Registration No.: 37,283
Marjama Muldoon Blasiak & Sullivan LLP
250 South Clinton Street
Suite 300
Syracuse, New York 13202
(315) 425-9000
Customer No.: 00128

GSB/bs